IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

L.P.A. No. 128 of 2007
Date of Decision: 30.5.2007

Mohinder Singh and others.

..... Appellants through Shri Balbir Singh, Advocate.

Versus

Director, Consolidation of Holding, Punjab and others.

..... Respondents through Nemo.

CORAM: HON'BLE MR. JUSTICE VIJENDER JAIN,
CHIEF JUSTICE
HON'BLE MR.JUSTICE MAHESH GROVER

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1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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VIJENDER JAIN, CHIEF JUSTICE

The appellants have impugned the judgment of the learned Single Judge dated 2.3.2007.

Touching the controversy briefly on the fringes, a writ petition was filed by the appellants for quashing order dated 9.5.1985 passed by the Director of Consolidation of Holdings, Punjab and also order dated 7.12.1985 passed by the Consolidation Officer, Ropar. According to the jamabandi of the year 1946-47, the land in question belonging to three Pattis, namely, Patti Saut (15-1/2 ploughs i.e. shares), Patti Nihal (15-1/2 Ploughs i.e. shares) and Patti Nathi (18 Ploughs, i.e., shares). The total area

of these Pattis was 1489 bighas and 14 biswas. In the column of cultivation, the land was described as `self cultivated'. The consolidation authorities, vide mutation no.311 dated 12.6.1957, changed the aforesaid entry in the name of the Gram Panchayat which resulted in a petition under Section 42 of the East Punjab Holdings (Consolidation and Fragmentation) Act, 1948 having been filed by the respondents.

The Director of Consolidation of Holdings, Punjab came to the conclusion that prior to the initiation of the consolidation proceedings, the entire area was in possession of Makbuza Malkaan and the consolidation authorities had no right to change the title of the land and record it in the name of the Gram Panchayat. He, therefore, vide his order dated 9.5.1985, after making necessary deductions of 63 bighas and 77 biswas which was the land used for religious purposes, cremation ground, play ground, chargah (grazing ground), pond, road and path, ordered that 1373 bighas and 7 biswas be distributed according to the shares mentioned in the Khatoni Istemal in favour of the three Pattis.

The learned Single Judge, on appraisal of the record and the contentions raised before him, came to the conclusion that the land in question was described as `shamlat deh' and divided into 40 ploughs (shares). The land was never shown to have been owned by the Gram Panchayat before the consolidation nor was it shown to have vested in the Gram Panchayat by operation of any law and held that mutation no.311 dated 12.6.1957 passing the title in the Gram Panchayat was completely erroneous and further went on to hold that the impugned order and the writ petition merely corrected an aberration which crept in because of the

erroneous order of the Consolidation Officer.

We have heard the learned counsel for the appellants at some length. Learned counsel for the appellants could not demonstrate before this Court by way of any record to show that there was any subsisting entry in the revenue record by which the land could have been said to have been vested in the Gram Panchayat. In this view of the matter, there is no infirmity in the findings recorded by the learned Single Judge.

Besides, the Gram Panchayat, who was effected party, has not filed the writ petition. The appellants have also not been able to show their bona fide status. In any eventuality, as stated above, nothing has been shown which could persuade us to hold a different view than what has been expressed by the learned Single Judge.

Consequently, the appeal, being devoid of any merit, is dismissed.

(Vijender Jain)
Chief Justice

May 30,2007
"SCM"

(Mahesh Grover)
Judge